HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26738 of 1997

Dated:31.01.2007

Between:

V. Lakshma Reddy and another.

...Petitioners.

and

The District Collector, West Godavari, Eluru. and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26738 of 1997

ORDER:

The petitioners state that they are the owners of land to an extent of 20 acres in Sy.No.111 of Nimmalagudem Village, Jangareddy Gudem Mandal, West Godavari District. Their grievance is that the respondents are proposing to lay a road over an extent of 0.25 cents, out of the land in Sy.No.111, without acquiring it, or paying any compensation therefor. They state that the land was purchased in the year 1989, from its original owners and that the respondents are trying to lay the road under Janmabhoomi Scheme.

Though nearly 10 years have elapsed, the respondents have not chosen to file counter-affidavit.

While admitting the writ petition on 17.10.1997, this Court granted *status quo* obtaining as on that day.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The assertion of the petitioners that they are the owners of land in Sy.No.111 to an extent of 20 acres, is not denied by the respondents. In case, the respondents intend to lay road across the land of the petitioners, it is always open to them to do so by acquiring it, or by undertaking mutual negotiations. The private properties cannot be put to public use without compensating the owner thereof, irrespective of the laudability of the object.

For the foregoing reasons, the Writ Petition is allowed, and the respondents are restrained from laying road across the land of the petitioners, except by acquiring the portion needed for such purpose or, with the written consent of the petitioners. There shall be no order as to costs.

_____

Dt.31.01.2007
L.NARASIMHA REDDY, J

GJ